

REMARKS

This application has been carefully reviewed in light of the Office Action dated October 17, 2005. Claims 25, 29 to 31 and 37 to 41 are in the application, with Claims 4 to 6, 32, 35 and 36 having been cancelled and Claims 39 to 41 having been newly added. Claims 25, 29 and 39 are independent. Reconsideration and further examination are respectfully requested.

Claims 5, 6 and 36 were objected to for allegedly failing to further limit the subject matter of a previous claim. Claims 5, 6 and 36 have been cancelled without prejudice or disclaimer of subject matter and without conceding the correctness of the objections. Accordingly, the objections are believed to be rendered moot.

Claims 4 to 6, 25, 32, 35 and 36 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 5,933,811 (Angles). Claims 4 to 6, 32, 35 and 36 have been cancelled without prejudice or disclaimer of subject matter and without conceding the correctness of the rejections. The rejection of independent Claim 25 is respectfully traversed.

With specific reference to the claims, independent Claim 25 defines an information appliance comprising a display having a working display area incorporating a permanently reserved advertising display area disposed within the working display area, the reserved display area being adapted to display advertising information independently of a non-advertising application being run on the information appliance. The information appliance also comprises input means adapted to accept a software upgrade for the non-advertising application, the software upgrade being configured to update advertising information, wherein the updated advertising information is displayed, independently of

the non- advertising application being run on the information appliance, when the information appliance is operating.

The applied references are not seen to disclose or to suggest the features of independent Claim 25, and in particular, are not seen to disclose or to suggest at least the features of a permanently reserved advertising display area disposed within a working display area, the reserved display area being adapted to display advertising information independently of a non-advertising application being run on the information appliance.

Angles is directed to delivering a custom advertisement to a consumer when the consumer views information offered by a content provider. (column 2, line 59 to column 3, line 3 of Angles). Specifically, when the consumer accesses the content provider, the content provider responds by sending an electronic document with an “[e]mbedded . . . advertisement request.” (column 2, lines 62 to 66). To receive custom advertisements, the consumer first registers with the advertisement provider to receive a unique member code or unique software that enhances the consumer’s internet browser so that custom advertisements can be merged with the electronic documents obtained from the content provider. (column 3, lines 18 to 28).

The Office Action contends that Angles discloses a “reserved display area being adapted to display advertising information independent of the content provided elsewhere on *electronic page 32*.” (Office Action pages 3 and 4 (emphasis in original)). Applicant notes that “independent of the content provided elsewhere” is not recited in independent Claim 25. Accordingly, the rejection of Claim 25 is traversed on the grounds that the Office Action does not properly allege anticipation of the claimed invention. (See

MPEP § 2131 (“The identical invention must be shown in as complete detail as is contained in the ... claim.”)).

Moreover, Angles system of embedding the advertising request within the electronic document sent to the consumer by the content provider is not seen to correspond to a reserved display area being adapted to display advertising information independently of a non-advertising application being run on the information appliance. In addition, it appears clear that Angles’ merging of advertisements with the electronic documents provided to the consumer who accesses the content providers website does not correspond to a reserved display area being adapted to display advertising information independently of a non-advertising application being run on the information appliance. Accordingly, independent Claim 25 is believed to be allowable.

Claims 33 and 34 were rejected under 35 U.S.C. § 103(a) over Angles in view of Official Notice of alleged facts. The rejections and the Official Notice are believed to be moot in view of the cancellation of Claims 33 and 34, which have been cancelled without prejudice or disclaimer of subject matter and without conceding the correctness of the rejections.

Claims 29 to 31, 37 and 38 were rejected under 35 U.S.C. § 103(a) over Angles in view of U.S. Patent No. 6,442,529 (Krishan) and in further view of an ordinary telephone and Official Notice of alleged facts. The rejections and the Official Notice are respectfully traversed.

Referring specifically to the claims, independent Claim 29 defines an information display business system for selling an information appliance comprising a display incorporating an advertising display area disposed within a working display area,

the advertising display area being associated with an advertising cost charged for displaying advertising information on the advertising display area, a store for storing advertising information, an advertising application for displaying the advertising information on the advertising display area, and a non-advertising application for execution on the information appliance, where the advertising information is displayed independently of the non-advertising application being executed on the information appliance. The business system comprises information appliance selling means for offering the information appliance for sale for a price, the information appliance having a manufacturing cost, advertising selling means adapted to offer for sale an amount of the advertising display area for the advertising cost charged for displaying advertising information on the advertising display area, wherein the advertising information is displayed independently of the non-advertising application being executed on the information appliance, and price determination means adapted to determine the price dependent upon a difference between the advertising cost and the manufacturing cost.

The applied references are not seen to disclose or to suggest the features of independent Claim 29, and in particular, are not seen to disclose or to suggest at least the features of advertising information displayed independently of a non-advertising application being executed on the information appliance.

As discussed above, Angles is seen to disclose embedding an advertising request within an electronic document sent to a consumer by a content provider and merging of advertisements with the electronic documents provided to the consumer who accesses the content providers website. As such, Angles' system is not seen to disclose or

to suggest advertising information displayed independently of a non-advertising application being executed on the information appliance.

Krishan is directed to display software for displaying “advertisements and other messages during selected idle times ... (that) ... may include ... when the user is waiting for a predetermined period of time for a response from a server, and when the user's browsing activity has been idle for a predetermined length of time” (column 3, lines 46 to 62 of Krishan). In particular, advertisements are shown “while the computer is establishing an Internet connection . . . when the browser is idle (and) . . . while the browser is waiting for a server to respond.” (column 18, lines 32 to 37). Krishan's display of advertisements dependent on selected idle times is not seen to disclose or to suggest advertising information displayed independently of a non-advertising application being executed on the information appliance. Accordingly, independent Claim 29 is believed to be allowable.

Newly-added independent Claim 39 is believed to be allowable for reasons similar to those noted above. In particular, neither Angles nor Krishan is seen to disclose or to suggest the features of independent Claim 39, and in particular, are not seen to disclose or to suggest at least the feature of advertising information displayed independently of a non-advertising application being executed on the information appliance.

The other claims in the application are each dependent from the independent claims and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the

invention, however, the individual consideration of each on its own merits is respectfully requested.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Ed Kmett', is written over a horizontal line.

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